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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO.5902 OF 2005

Sunit Ajit Gholkar ...Applicant  
VS.  
The State of Maharashtra ...Respondent

Mr.H.S.Venegavkar for the Applicant  
Mr.K.V Saste,A.P.P. for State  
Mr.Maneshinde for the original complainant

CORAM: A.S.OKA, J.  
DATE : SEPTEMBER 22, 2005

**P.C.:**

1. On the last date when this Application was heard, the learned Counsel for the Applicant tendered on record a medical certificate issued by Dr.Vikas Gupte stating therein that the Applicant has suffered an injury in a vehicular accident and she is required to be admitted in the hospital for a period of one week and thereafter she requires rest for a period of six weeks. On the last date the Investigating Officer was directed to verify the correctness of the certificate. The learned A.P.P. on instructions of the Investigating Officer states that the contents of the certificate issued by Dr.Vikas Gupte are correct. He has shown me the relevant documents including the letter dated 21st September 2005 sent by Dr.Vikas Gupte to the Investigating Officer.

2. The learned Counsel for the Applicant states that he is not pressing the application on merits. He submits that considering the medical certificate on record, time of six weeks be granted to the Applicant to surrender before the appropriate Court. The said prayer is opposed by the learned

A.P.P. and the learned Counsel for the original complainant.

3. The Applicant is a woman. The certificate of the Doctor is found to be genuine. Therefore, she deserves to be granted reasonable time to surrender. However, she will have to surrender before the Investigating Officer. In my view, time of four weeks deserves to be granted to surrender before the Investigating Officer. If Investigating Officer finds that the Applicant requires medical treatment and care at the time of surrender, the Investigating Officer is bound to ensure that necessary medical attention and care is given to the Applicant.

4. Hence I pass the following order :

i) Application is dismissed as not pressed.

ii) Applicant is granted time up to 20th October 2005 to surrender before the Investigating Officer.

iii) It is obvious that after surrendering before the Investigating Officer, the Applicant will be free to apply before the concerned Court for regular bail. If such application is made, the same shall be considered on its own merits.

iv) Parties to act upon an authenticated copy of this order.

**JUDGE**